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H.797

Introduced by Representatives Walz of Barre City, Berry of Manchester,
Cupoli of Rutland City, Fiske of Enosburgh, Forguites of
Springfield, LaClair of Barre Town, Lucke of Hartford, McFaun
of Barre Town, Savage of Swanton, and Troiano of Stannard

Referred to Committee on

Date:

Subject: Commerce and trade; residential rental agreements; warranty of
habitability; payment of rent into court

Statement of purpose of bill as introduced: This bill proposes to permit a
landlord to make repairs to address noncompliance with the warranty of
habitability upon one hour's notice to a tenant and to permit the Superior Court
to order a tenant to pay all rent owed into the court.

An act relating to residential rental agreements

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 9 V.S.A. § 4457 is amended to read:

§ 4457. LANDLORD OBLIGATIONS; HABITABILITY

* * *

(d) Access to make repairs. Notwithstanding any provisions of section
4460 of this subchapter to the contrary, upon receiving notice of

1 noncompliance with the implied warranty of habitability from the tenant, a
2 governmental entity, or a qualified independent inspector, the landlord may
3 enter the affected dwelling unit between the hours of 9:00 a.m. and 9:00 p.m.
4 on no less than one hour's notice to:

5 (1) inspect the premises; or

6 (2) make repairs, alterations, or improvements necessary to address the
7 noncompliance with the implied warranty of habitability.

8 Sec. 2. 12 V.S.A. § 4853a is amended to read:

9 § 4853a. PAYMENT OF RENT INTO COURT; EXPEDITED HEARING

10 * * *

11 (d) If the court finds the tenant is obligated to pay rent and has failed to do
12 so, the court shall order full or partial payment into court of rent as it accrues
13 while the proceeding is pending ~~and~~, as well as rent that has accrued from the
14 date of filing with the court the complaint for ejectment ~~or the date the~~
15 ~~summons and complaint for ejectment were served on the tenant pursuant to~~
16 ~~Rule 3 of the Vermont Rules of Civil Procedure, whichever occurs first, and~~
17 rent that accrued prior to the date when the complaint for ejectment was filed
18 with the court.

19 * * *

1 Sec. 3. REPEAL

2 2007 Acts and Resolves No. 125, Sec. 1 (amending 12 V.S.A. § 4853a(a))

3 is repealed.

4 Sec. 4. EFFECTIVE DATE

5 This act shall take effect on July 1, 2016.